

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 301-2007

On the motion of Supervisor Stone
duly seconded by Supervisor Coonerty
the following resolution is adopted

RESOLUTION DECLARING THE POSITION OF THE SANTA CRUZ COUNTY
BOARD OF SUPERVISORS REGARDING THE STATE OF CALIFORNIA'S
USE OF AERIAL SPRAYING TO CONTROL THE LIGHT BROWN APPLE MOTH

WHEREAS, the Light Brown Apple Moth is a pest subject to
Federal and State quarantine and eradication orders; and

WHEREAS, there is a confirmed presence of Light Brown Apple
Moths in Santa Cruz County; and

WHEREAS, the California Department of Food and Agriculture
(the "State") has proposed a treatment program in Santa Cruz
County which includes an extensive aerial spraying application of
a microencapsulated pheromone product known as CheckMate LBAM-F
(the "pheromone pesticide"), intended to interrupt the
reproductive cycle of the Light Brown Apple Moth; and

WHEREAS, the State has claimed an emergency exemption under
the California Environmental Quality Act ("CEQA") and plans to
begin the aerial spraying program without conducting
environmental review based on an emergency exemption; and

WHEREAS, the State has confirmed that it will begin
preparation of an Environmental Impact Report after the aerial
spraying program has begun; and

WHEREAS, the United States Department of Agriculture (the
"USDA") maintains that the pheromone pesticide poses only
"minimal risk to human health," but acknowledges that it is
considered a "slight to moderate dermal irritant" and does
present some "very low toxicity" [see *Treatment Program for Light
Brown Apple Moth in Santa Cruz and Northern Monterey Counties,
California* (September 2007) pages 10-12]; and

WHEREAS, the USDA states that its risk assessment assumes
that the rate of exposure will be insignificant, with no dietary
exposure from food and just a minimal amount of incidental
exposure from drinking water or swimming [see *Treatment Program
for Light Brown Apple Moth in Santa Cruz and Northern Monterey
Counties, California* (September 2007) pages 10-12]; and

WHEREAS, Dale Kemery, a spokesperson for the Environmental
Protection Agency in Washington, D.C., was quoted in a local
newspaper as comparing the pheromone pesticide to "something
along the lines of Raid"; and

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WHEREAS, the State has relied almost entirely on its own scientists to address public concerns, instead of using independent, outside experts to support the program or at least address the issues in a direct and impartial manner; and

WHEREAS, the failure to detail all of CheckMate LBAM-F's ingredients has been a matter of enormous concern to the public; and

WHEREAS, the information about the product's ingredients provided to the public has been inconsistent and unreliable in that: (1) the product's manufacturer refused to release ingredients, claiming they were protected as a "trade secret"; (2) the United States Environmental Protection Agency (EPA) originally stated that a potentially harmful chemical (polymethylene polyphenyl isocyanate, or PPI) was an ingredient in the product; (3) the EPA then corrected its prior statement and said that PPI was not an ingredient; (4) the manufacturer then stated that PPI was an ingredient, but that it was only used as a starting material and was not present in the end-use formulation of the product; and (5) when Governor Schwarzenegger ordered a release of the ingredients in the product, PPI was not listed; and

WHEREAS, neither the EPA nor the State of California has clarified whether PPI actually is an ingredient of CheckMate LBAM-F, and if it is an ingredient, give adequate assurances that it is not present in the end-use formulation of the product; and

WHEREAS, the State has not adequately pursued or explained the decision not to employ less invasive treatment programs such as the use of sterile Light Brown Apple Moths, restricting the use of aerial spraying of pheromones to inaccessible rural areas, restricting the spraying of pheromones to public streets, or the more extensive use of twist tie dispensers; and

WHEREAS, while the use of pheromones for pest eradication is a safer alternative to insecticides, the State's failure to adequately respond to public questions and concerns has resulted in a fearful public, which itself is damaging to progress toward safer, biological approaches to pest control.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz County Board of Supervisors declares its opposition at this time to the State of California's proposed program of extensive aerial spraying of a pheromone pesticide to control the Light Brown Apple Moth unless and until the following conditions have been met by the State: (1) that the State furnish the public with additional assurances from independent, outside experts

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that the products proposed for spraying are proven safe for contact with humans, animals, and the environment; (2) that the State provide a full and complete disclosure and evaluation of all of the pheromone pesticide's ingredients (both those used to make it and those present in the final product); and (3) that the State expedite its preparation of an Environmental Impact Report (EIR) for the aerial spraying project and employ a less invasive treatment program that would not include aerial spraying over urban areas until such time that a final EIR is certified; and

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors requests that the State fund a long-term study of the health effects resulting from the aerial spraying project that would include, at a minimum, a baseline monitoring of providers and hospital emergency rooms for medical complaints, continued monitoring around the period of spraying from self-reports and providers, follow-up of positive symptomatology and self-assessments of health one month, six months, and one year post-spraying; and

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors requests that the State fund a monitoring program that will evaluate potential application effects on the County's water resources, and collaborate with Santa Cruz County Environmental Health Service staff to identify sampling locations and frequency, parameters, and analysis methods; and

BE IT FURTHER RESOLVED AND ORDERED that no County department shall take any action that would facilitate the aerial application of CheckMate products in Santa Cruz County until the Board of Supervisors is satisfied that the conditions of this Resolution have been met.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 23rd day of October, 2007, by the following vote:

AYES: SUPERVISORS Beautz, Coonerty, Stone
NOES: SUPERVISORS Pire, Campos
ABSENT: SUPERVISORS None

JANET K. BEAUTZ

JANET K. BEAUTZ, Chairperson
Board of Supervisors

ATTEST: TESS FITZGERALD
Clerk of said Board

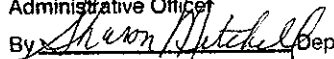
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Approved as to form:


County Counsel

DISTRIBUTION: County Counsel
Senator Joe Simitian
Assembly Member John Laird
California Department of Food and Agriculture
United States Department of Agriculture
Agricultural Commissioner
Agricultural Policy Advisory Commission
Valley Women's Club
Santa Cruz County Farm Bureau

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STATE OF CALIFORNIA) ss
COUNTY OF SANTA CRUZ)
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>October 24</u> 20 <u>07</u> .	
SUSAN A. MAURIELLO, County Administrative Officer	
By 	Deputy